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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,636	10/16/2003	Elliot Rudell	155660-0224	1952

1622 7590 12/10/2004
IRELL & MANELLA LLP
840 NEWPORT CENTER DRIVE
SUITE 400
NEWPORT BEACH, CA 92660

EXAMINER

DONNELLY, JEROME W

ART UNIT PAPER NUMBER

3764

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,636

Applicant(s)

RUDELL ET AL.

Examiner

Jerome W Donnelly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 7, 9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens.

Stevens discloses a jumping apparatus comprising a housing in the form of a driving station, a hub assembly including elements 50, 156 and 158 an indicator 116 in the form of a counter and a crank arm 48.

The motor being attached to the housing, the hub being attached to the motor through belt (34) and the hub being attached to the jumping element through the crank.

In regard to claim 14 note spring (58).

Claims 17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Reid et al.

The method of claims 17, 19 and 21 is disclosed in the operation of the device of Reid et al.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid et al.

The examiner notes that although Reid does not specifically disclose his device as including light sources as indicators of motor speed, it would have been known and obvious to one of ordinary skill in the art to provide or manufacture his device to include L.E.D. indicator as his indicator means.

Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudell et al.

The examiner notes that it is known and obvious to provide a speed indicating means on a jumping means in view of the control mechanism of Reid et al Fig 6.

Claims 1, 2, 3, 4, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Reid et al.

To manufacture the device of Stevens to include L.E.D's and speaks is known and is made obvious in view of the device of Reid et al. Light emitting diodes are notoriously well known indicating means in the art.

Claims 1, 8, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudell et al in view of Reid et al.

Rudell et al discloses the device of claim 8 and 20 substantially as claimed absent the specific feature of an indicator to provide indication of a motor characteristic.

Reid teaches providing monitoring means of this type.

Given the teachings to Reid the examiner notes that it would have been obvious to one of ordinary skill in the art to include motor characteristic indicating means as part of the device of Rudell et al.

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Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

JEROME W. DONNELLY
PRIMARY EXAMINER